UNITED
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Security Council

Distr.
GENERAL

S/26251
6 August 1993
ENGLISH
ORIGINAL: SPANISH

LETTER DATED 29 JULY 1993 FROM THE PRESIDENT OF THE UNITED NATIONS COMPENSATION COMMISSION ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith, for the attention of the Security Council, the following information on the tenth session of the Governing Council of the United Nations Compensation Commission, held from 26 to 28 July 1993.

The Governing Council continued its discussion on the order of priority for the payment of the different categories of claims and decided to maintain the item on its agenda for future sessions in order to consider it in the light of future developments relating to the submission of claims and the financing of the Compensation Fund. However, at its 36th plenary meeting on 28 July, the Council decided that claims in categories B and C would be processed by the secretariat in chronological order, whereas claims in category A would be processed in accordance with the criterion of proportionality, initially among the countries which submitted claims prior to 1 July 1993. Under this plan, due consideration will have to be given to claims processed during the first stage of category A, if the criterion of chronological order had been applied.

At the same plenary meeting, the Council decided to accept consolidated claims in categories A, B and C filed by the United Arab Emirates, Nigeria and Somalia after the expiry of the filing deadlines established by the Council, and asked the secretariat to begin processing those claims once it had begun processing other claims submitted within the deadlines.

In addition, in view of the difficulties experienced by some Governments in submitting on time consolidated claims in categories D, E and F, the Council authorized, on an exceptional basis, and requested the Executive Secretary to grant extensions until 1 April 1994 for claims in category E, and until 1 May 1994 for claims in category F; it also authorized an additional extension until 1 January 1994 for claims in category D, if the extension was requested prior to the expiry of the current deadlines by any Government or body responsible for submitting claims on behalf of persons not in a position to have their claims submitted by a Government.

Representatives of Egypt, India, Iraq, Kuwait, Sri Lanka and Sudan, States which are not members of the Governing Council, expressed their desire to make statements during the session and the Council invited them to do so at its 35th and 36th plenary meetings.

The next session of the Governing Council will be held from 27 September to 1 October 1994.

(Signed) Fernando VALENZUELA MARZO
President
Governing Council
United Nations Compensation Commission

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Security Council

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GENERAL

S/26252
6 August 1993

ORIGINAL: ENGLISH

LETTER DATED 5 AUGUST 1993 FROM THE PERMANENT REPRESENTATIVE OF IRAN TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

Upon instructions from my Government, I have the honour to bring to your attention the following instances of violations by Iraq of the terms of the cease-fire between the two countries.

1. On 2 April 1993, at 1500 hours, Iraqi forces penetrated into Iranian territory at the geographic coordinates of 83-67 on the map of Baneh and planted mines in the Ashtarabad area, south of the Rostami sentry post, which resulted in the injury of an Iranian soldier named Hassan Rezaee.

2. On 9 April 1993, at 0500 hours, Iraqi forces penetrated into Iranian territory at the geographic coordinates of 771-879 on the map of Gilan-e-Gharb Goorsefid and fired five RPG-7 rockets and a number of bullets using light munitions for a duration of 10 minutes. They also threw a hand grenade.

3. On 9 April 1993, at 2345 hours, Iraqi forces fired four RPG-7 rockets at Salehabad shrine in Mehran.

4. On 10 April 1993, at 1200 hours, Iraqi forces penetrated into the territory of the Islamic Republic of Iran at the geographic coordinates of 823-575 on the map of Rouwan and fired at Iranian forces.

5. On 10 April 1993, at 2330 hours, Iraqi forces penetrated approximately 9 kilometres into Iranian territory at the geographic coordinates of 615-975 and destroyed a telecommunication station belonging to the National Oil Company in Gomkouh, east of border pillar 48.

6. On 13 April 1993, at 2130 hours, Iraqi forces fired at Khavisseh sentry post at the geographic coordinates of 95-99, north of border pillar 24/9.

7. On 17 April 1993, at 1500 hours, Iraqis planted mines at the geographic coordinates of 48-86 on the map of Sardasht, which injured a local resident.

8. On 18 April 1993, at 1400 hours, Iraqi forces penetrated into the territory of the Islamic Republic of Iran at the geographic coordinates of 34-89 on the map of Sardasht and planted mines in the Bitoosh village, south of Kouhe Laklak and border pillar 106/1 and north of Garmab, which resulted in the injury of a villager.

9. On 26 April 1993, 10 armed Iraqi personnel positioned themselves at the geographic coordinates of 538-248 on the map of Ghasr-e-Shirin, in no man's land opposite the township of Piroozkhan.

10. On 2 May 1993, at 2220 hours, Iraqi forces fired at Iranian forces at the geographic coordinates of 10-60 on the map of Piranshahr, east of border pillars 118 and 118/1.

11. On 6 May 1993, at 0830 hours, Iraqi forces penetrated into Iranian territory at the geographic coordinates of 38-89 and planted mines in the area east of Bitoosh village, north of Dolakan sentry post, which led to the explosion of a vehicle and injury of 10 Iranian personnel.

12. On 10 May 1993, at 0225 hours, Iraqi forces fired at an Iranian sentry post in the vicinity of Ghafeleh Jan river in Kouhgatch.

13. On 10 May 1993, at 2020 hours, 13 anti-revolutionaries crossing the international border at the geographic coordinates of 2400-94600 on the map of the Meimeh River intended to penetrate into the territory of the Islamic Republic of Iran. They fled back into Iraq when faced with the reaction of the Iranian forces.

14. On 14 May 1993, at 1800 hours, approximately 30 Iraqi forces were seen in two vehicles moving at the geographic coordinates of 955-985 on the map of Kouhe Gotbeh and the geographic coordinates of 17940 on the map of the Meimeh River, in no man's land between south-west of border pillar 24/8 and south-east of border pillar 24/9, and at another point in no man's land south-east of border pillar 24/2 and south-east of border pillar 24/3.

15. On 15 May 1993, two Iraqi vehicles carrying 30 Iraqi personnel were seen at the geographic coordinates of 511-270 and 577-245 on the map of Ghasr-e-Shirin, in no man's land in the Iraqi village of Majidsalar, opposite the Iranian Hedayat sentry post and north-east of the Iraqi Tiarooq sentry post and north-west of the Iranian Halgheh Sefid sentry post.

16. On 18 May 1993, at 0050 hours, a number of anti-revolutionary elements penetrated into Iranian territory and fired at Iranian forces at the geographic coordinates of 41-91 on the map of Sardasht, north-east of Delgan sentry post and east of Kouhe Laklak and border pillar 106/1.

17. On 18 May 1993, at 1730 hours, anti-revolutionaries penetrated into Iranian territory and planted mines at the geographic coordinates of 326-062, north of Bardeh Pahn and east of Kouhe Belghat south-east of border pillar 109/1. The mines were found and defused by Iranian forces.

18. On 20 May 1993, at 0040 hours, at the geographic coordinates of 515-876, anti-revolutionary elements penetrated into Iranian territory in the area of Einkhosh and Nahr-e-anbar, approximately 21 kilometres east of border pillar 23/36 and 2 kilometres south-east of Einkhosh, at the Height Number 162 and 188. The intruders retreated into Iraqi territory when confronted with Iranian forces.

19. On 24 May 1993, at 0045 hours, a number of anti-revolutionary elements crossing the international border penetrated approximately 6 kilometres into Iranian territory in the area of Chai Gharetappe, east of border pillar 24/20. They intended to enter the Iranian positions. Timely reaction of Iranian forces forced them to retreat into Iraq.

20. On 25 May 1993, at 2100 hours, Iraqi forces fired at Iranian forces at the geographic coordinates of 5540-7300 on the map of Hoor-al-Howeizeh south of border pillar 148.

21. On 28 May 1993, three anti-personnel mines, planted by anti-revolutionaries, were found and defused. Those mines were planted at the geographic coordinates of 339-095 on the map of Sardasht east of Vardeh sentry post, 6 kilometres south-east of border pillar 110; at the geographic coordinates of 349-034 on the map of Sardasht south of Upper Pivrar village between east of Kanirash turn and Kouhe Dopaza and border pillars 107/7 and 108; and at the geographic coordinates of 351-030 on the map of Sardasht east of Bave village between east of Kanirash turn and Kouhe Dopaza, within approximately 7 kilometres of border pillar 107/7.

22. With the beginning of the fishing season in Arvand Rud, every day more than 85 Iraqi fishing vessels engage in fishing in the area between the Be'sat bridge and piers 7 and 8 of Arvand Rud. These vessels include a number of Iraqi speed boats, which monitor Iraqi fishermen as well as the Iranian coastline. These boats, occasionally and without provocation, fire at Iranian forces stationed at the coastline. On 1 May 1993, at 1700 hours, a local resident was injured as a result.

It would be highly appreciated if this letter was circulated as a document of the Security Council.

(Signed) Kamal KHARRAZI
Permanent Representative

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Security Council

Distr.
GENERAL

S/26252*
12 August 1993

ORIGINAL: ENGLISH

LETTER DATED 5 AUGUST 1993 FROM THE PERMANENT REPRESENTATIVE OF THE ISLAMIC REPUBLIC OF IRAN TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

Upon instructions from my Government, I have the honour to bring to your attention the following instances of violations by Iraq of the terms of the cease-fire between the two countries.

1. On 2 April 1993, at 1500 hours, Iraqi forces penetrated into Iranian territory at the geographic coordinates of 83-67 on the map of Baneh and planted mines in the Ashtarabad area, south of the Rostami sentry post, which resulted in the injury of an Iranian soldier named Hassan Rezaee.

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* Reissued for technical reasons.

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Einkhosh and Nahr-e-anbar, approximately 21 kilometres east of border pillar 23/36 and 2 kilometres south-east of Einkhosh, at the Height Number 162 and 188. The intruders retreated into Iraqi territory when confronted with Iranian forces.

19. On 24 May 1993, at 0045 hours, a number of anti-revolutionary elements crossing the international border penetrated approximately 6 kilometres into Iranian territory in the area of Chai Gharetappe, east of border pillar 24/20. They intended to enter the Iranian positions. Timely reaction of Iranian forces forced them to retreat into Iraq.

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It would be highly appreciated if this letter was circulated as a document of the Security Council.

(Signed) Kamal KHARRAZI
Permanent Representative

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/26253
6 August 1993

ORIGINAL: ENGLISH

LETTER DATED 5 AUGUST 1993 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith a copy of the note that has been handed to the Chargé d'affaires a.i. of the Embassy of Albania in Belgrade.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Dragomir DJOKIĆ
Ambassador
Chargé d'affaires a.i.

Annex

The Federal Ministry of Foreign Affairs of the Federal Republic of Yugoslavia presents its compliments to the Embassy of the Republic of Albania and has the honour to announce that the following incidents took place on the Yugoslav-Albanian border on 18, 24 and 27 July 1993.

On 18 July 1993, around 5.15 p.m. near border stone No. 2A/2 in the area of Ulcinj, an Albanian soldier from a three-member patrol opened fire from an automatic rifle, firing 20 to 30 shots just above the heads of the Yugoslav patrol in the territory of the Federal Republic of Yugoslavia. The fire was opened at the moment when the Yugoslav patrol caught four Albanian citizens illegally crossing the border. In addition to the Albanian patrol, a group of 20 civilians shouted and protested at the same time on the Albanian side of the border.

The incident was reported to the Albanian side.

On 24 July 1993, around 10 a.m., eight Albanian citizens armed with hunting rifles and pistols crossed some 30 to 50 metres deep into Yugoslav territory near border stone No. C2/6 in the region of the Kosara security post near Djakovica. As the Yugoslav border patrol came along, the Albanian citizens opened fire, the Yugoslav patrol returned fire and two Albanians were wounded. As the wounded fell, fire was opened at the Yugoslav patrol from a bunker on the Albanian side of the border. Protected by the fire, the group withdrew and took its wounded. After reinforcement was called in, fire was opened at the Albanian bunker, to make it possible for the Yugoslav patrol to withdraw. At about 11 a.m. a large group of Albanian citizens gathered at the same place in Albanian territory with whom were four armed European Community observers. No fire was opened from the Albanian side on that occasion. However, at about 12 noon fire was opened from the Albanian side from the direction of border stone No. 2, to which the Yugoslav border patrol did not answer.

A meeting of a local joint commission was requested by the Yugoslav side.

On 27 July 1993, at about 11.45 a.m., three Albanian citizens entered about 50 metres deep into Yugoslav territory in the area of the security post Kosara near Djakovica, to pick up berries. A Yugoslav border patrol ordered them to return to the Albanian side. As they refused to do so, the border patrol fired one shot into the air. The Albanian citizens then opened fire at the patrol. When the Yugoslav patrol fired back, they returned to Albanian territory. It is possible that one Albanian citizen was wounded. The same day at 1.15 p.m. the Albanian border patrol opened fire from the same location at the Yugoslav authorities, who did not answer to the provocation.

In all three cases the Yugoslav border authorities acted according to the rules of service.

Recalling the Yugoslav notes (No. 184/93 of 17 February 1993, No. 184/6-93 of 28 April 1993 and No. 184/8-93 of 7 June 1993) forwarded to the Embassy of the Republic of Albania in Belgrade concerning the incidents at the Yugoslav-Albanian border, the Yugoslav side lodges herewith the strongest protest over

the above incidents and reiterates once again the Albanian side's obligation to take immediately all necessary measures to prevent the illegal crossing of its citizens to the territory of the Federal Republic of Yugoslavia.

The Albanian side is also warned of the serious consequences which may ensue from the opening of fire by the Albanian border guards and Albanian citizens at the Yugoslav border guards which occurred in the above three instances.

The frequent incidents at the border require an early meeting of the Main Joint Yugoslav-Albanian Commission for Border Incidents, which the Albanian side has been postponing since June 1992 for unclear and unjustified reasons, regardless of numerous initiatives launched by the Yugoslav side.

2 August 1993

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/26254
6 August 1993

ORIGINAL: ENGLISH

LETTER DATED 4 AUGUST 1993 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to refer to Security Council resolution 849 (1993) concerning the situation in Abkhazia, the Republic of Georgia.

In pursuance of paragraph 2 of that resolution I dispatched a planning team to the conflict area on 19 July 1993. The team returned to New York on 27 July 1993 and shortly I shall submit a report to the Council on its findings together with my conclusions and recommendations.

In the meantime, representatives of the parties to the conflict together with the Russian Federation as facilitator signed an agreement on 27 July 1993, under which a cease-fire took effect on 28 July 1993. Pursuant to paragraph 3 of resolution 849 (1993), I wish to confirm that in my view conditions are now such as to permit the immediate deployment of the United Nations Observers to begin to carry out functions envisaged in the cease-fire agreement.

Pending the submission of my report to the Council in which I will make recommendations concerning their mandate, strength, deployment and other relevant details, I propose to dispatch to the conflict area as soon as possible, subject to your confirming the Council's agreement, an advance team of 5-10 Observers.

I believe that such early deployment of United Nations Observers, which is keenly desired by the Georgian and Russian Governments and has been accepted by the Abkhaz authorities in Gudauta, can serve as a significant confidence-building measure by demonstrating the support of the international community for the cease-fire during its initial delicate stage.

(Signed) Boutros BOUTROS-GHALI

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UNITED NATIONS **A S**

General Assembly
Security Council

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GENERAL

A/48/298
S/26255
6 August 1993

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-eighth session
Item 115 (c) of the provisional agenda*
HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

SECURITY COUNCIL
Forty-eighth year

Letter dated 5 August 1993 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith (see annex) the memorandum of the Federal Ministry for Human and Minority Rights of the Federal Republic of Yugoslavia in reply to the letter of the Permanent Representative of the Republic of Croatia to the United Nations of 12 July 1993 concerning the memorandum issued by the Union of Croat Refugees and Displaced Persons from Vojvodina (A/48/261-S/26073).

I should be grateful if you would have the text of the present letter and its annex circulated as an official document of the General Assembly, under item 115 (c) of the provisional agenda, and of the Security Council.

(Signed) Dragomir DJOKIĆ
Ambassador
Chargé d'affaires a.i.

* A/48/150.

Annex

MEMORANDUM OF THE FEDERAL MINISTRY FOR HUMAN AND MINORITY RIGHTS OF THE FEDERAL REPUBLIC OF YUGOSLAVIA

Further to the data contained in the letter of the Permanent Representative of the Republic of Croatia to the United Nations (A/48/261-S/26073), i.e., the data contained in the annexed memorandum of the Union of Croat Refugees and Displaced Persons from Vojvodina, included as an official document of the United Nations under item 115 (c) of the preliminary list of the General Assembly, in which it is averred that 35,000 Croats and 50,000 Hungarians (data from the letter of Croatian Ambassador Nobilo), i.e., 19,000 Croats and 35,000 Hungarians (data from the annexed memorandum) have been driven out or moved from the Federal Republic of Yugoslavia and the Republic of Serbia (its Autonomous Province of Vojvodina), the Federal Ministry for Human and Minority Rights of the Federal Republic of Yugoslavia herewith states categorically that, the inconsistent data presented in the letter and the annexed memorandum notwithstanding, the government organs of the Federal Republic of Yugoslavia have driven out or moved not a single individual nor do they know of any such case.

However, it is pointed out that it is true that a number of Hungarians dodged mobilization and left the country at the request of their national political party, the Democratic Community of Vojvodina Hungarians. At its request a number of secondary school and university students also left the Federal Republic of Yugoslavia and continued education in neighbouring Hungary. It is also true that a number of Hungarians left for Hungary and other European countries, but they did so for economic reasons, i.e., due to the worsening economic situation in the Federal Republic of Yugoslavia brought about by the unjust and unfair United Nations sanctions. However, the number of 50,000 or 35,000 Hungarians who have allegedly left the Federal Republic of Yugoslavia is untrue and arbitrary. The number of Hungarians who have left the Federal Republic of Yugoslavia is 10 times smaller and they did so at the request of their national political party. Not only did the government organs not force them to leave, but they called on them not to leave the country for economic reasons. Young people, in particular, were called on not to leave since all conditions exist in the Federal Republic of Yugoslavia to attend schools in Hungarian and in the languages of other national minorities.

It is also known that a number of Croats moved from the Federal Republic of Yugoslavia. They exchanged their property with Serbs from the Republic of Croatia and, unlike the Serbs who were not allowed to take their property out of Croatia, the Croats did take all their movable property and left the Federal Republic of Yugoslavia unperturbed for Croatia, where they legalized their property.

In addition to the false and arbitrary data presented by the Croatian side, the States Members of the United Nations and their distinguished representatives should also know that, far from being forced to leave their homes and property, many Croats who did decide to go, did so motivated by profiteering. Most often they would exchange their relatively small property in Vojvodina for the property of Serbs in Croatia worth 10 times more. Much information on these

unequal property exchanges is contained in numerous depositions made by Serbs expelled from Croatia, kept and available in the Information Centre of the non-governmental organization of the All-Serbian Sabor. According to the evidence contained in these depositions, many of the Croats who left Vojvodina (but not for the reasons cited in the said memorandum, although individual cases of mistreatment and pressure can never be excluded) visited Croatia and assessed their future property beforehand and left Vojvodina only thereafter since, unlike Serbs in Croatia, they were allowed to leave and return to the Federal Republic of Yugoslavia freely. Many Croats who left in this way, left willingly in the knowledge that they were getting a very good deal in the exchange. However, there were also cases of some Croats returning to Vojvodina since they were not satisfied with what they had been offered in exchange.

It is further pointed out that at the 1991 census citizens in the Federal Republic of Yugoslavia were allowed to declare themselves also as Bunjevci and as many as 24,000 of them who had formerly declared themselves as Croats declared themselves as Bunjevci. Furthermore, a number of Croats left the Federal Republic of Yugoslavia for economic reasons, which again is a consequence of the imposition of the United Nations sanctions. There is no evidence whatsoever of physical harassment or pressure, least of all of the destruction of private property. This certainly could not be concealed since the consequences of such actions are visible. Besides, cultural and religious establishments of all members of national minorities continue their work unperturbed and no pressure is being brought to bear on any of their representatives.

However, there are countless instances of the destruction of property in Croatia only because the property belongs to Serbs, while the destruction of Serbian churches and other religious establishments for the purpose of creating an impression of insecurity among Serbs and thus inducing them to leave Croatia in order to save their lives is not an uncommon practice at all. What is more, these acts of violence were preceded by media campaigns and were often whipped up by elected representatives in Croatian State institutions or even by ministers in the Croatian Government. The representative in the Croatian Sabor Prkacin and former Justice Minister Misetic, for instance, publicly stated that Serbs were State enemies and the fifth column in Croatia who remained in order to save their jobs and property. This was a signal call for a wanton persecution of Serbs. Villages and towns up and down Croatia were scurried to by only too eager and fervent property-list takers who would make lists of Serbian houses and business establishments, whereupon the harassment of their owners ensued, often followed by oral orders of uniformed persons that they leave Croatia within a matter of hours. This accounted for a mass exodus of Serbs from Croatia, especially from larger cities and towns like Zagreb and Rijeka, where Serbs always lived in substantial numbers and where they left invaluable land and property.

In this way Croatia completed the ethnic cleansing of its territory. Suffice it to say that, according to the United Nations data, in 1991 and 1992, 251,000 Serbs, or two thirds of the overall Serbian population of Croatia, were expelled from Croatia, excluding Krajina. Particularly harsh treatment was meted out to the Serbian population in urban centres like Rijeka, Zadar, Split, Zagreb and Osijek, while unprecedented brutality was evinced in Western Slavonia. The Serbian population in this part of the present-day Republic of

Croatia was not only "cleansed"; it was literally "mopped". In the overall 280 settlements, Serbs were totally eliminated from 10 urban and 183 rural settlements, while from 87 of them they were eliminated partially.

The methods applied during the ethnic cleansing in Croatia were extremely brutal: Serbs were killed, slaughtered, executed without trials and mistreated and humiliated in Croatian prisons in a most degrading way.*

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* The following examples, contained in Report Two of the Government of the Federal Republic of Yugoslavia, are given for illustration purposes.

At Marino Selo between Pakrac and Kutina, the members of the military police of the Croatian National Guard opened in the last quarter of 1991 a temporary camp where they killed, according to as yet incomplete data, about 80 Serbs from the parts and settlements of Slavonia in which the Serbian population offered no armed resistance to the Croatian regime. Before they were killed, the Serbs were terrorized in a most bestial way: they were stabbed and beaten by metal rods, salt was put in their wounds, electrical shocks were applied to the emaciated and exhausted prisoners and they were forced to cut each other's ears.

On 19 December 1991, after they surrounded the village of Masovicka Sagovina in south-western Slavonia, the members of the Croatian National Guard chased and killed local Serbs in village streets in order to intimidate other villagers.

On 10 December 1991, the villages of Slobostina, Jeminovci, Snjegavici and Vucjak Cecavski were bulldozed and razed to the ground by the members of the Croatian National Guard, and all their villagers were killed since they did not obey the order of the Crisis Committee of Slavonska Pozega to move out and go to a "camp" allotted them. Twenty-four villages were "cleansed" in this way in Western Slavonia.

In the village of Omanovac near Pakrac, which had a Croatian majority, a Serb, G.B., the local postman, was killed. After his burial, 23 local Serbs left the village afraid that they too might become victims of Croatian terror. Their apprehension proved justified since the few Serbs who remained were subsequently terrorized, especially in October 1991 when a "cleansing" unit of the Croatian Army arrived in the village from Varazdin. Many Serbs were then arrested and their homes were dynamited so that they would have no place to return to.

In December 1991, a mass exodus of Serbs from Mount Psunj and Mount Papuk took place. The local Serbs fled before the invading Croatian Army. The flight was caused by the news of countless crimes committed by Croatians, especially of the burning of Serb villages and the liquidation of the Serb population in those parts of Western Slavonia under the control of Croatian authorities.

Serb women were systematically raped, especially in prisons in Split ("Lora"), Sibenik, Slavonska Pozega and Kerestinec; blood plasma was taken from Serbs (Vukovar Hospital); Serb cultural heritage was destroyed; 97 Orthodox churches were dynamited, including the Residence of the Pakrac Bishop from 1732. The memorial compound of Jasenovac, erected in memory of 700,000 Serbs killed in the concentration camp that existed at the site during the Second World War by Croatian Ustashe in their drive to "solve the Serbian question", was also destroyed; pressure of centuries-old Catholic proselytism was brought to bear on Serbs all over again. The first step was the campaign to change Serb personal and family names. Several thousands of citizens of Croatia of Serb nationality have already changed their names. In Zadar that number is 887 (268 in 1991 and 619 in 1992), in Rijeka 1,587, in Split 1,130 and a number of thousands in Zagreb. Slobodna Dahnacija, until recently the only independent newspaper in Croatia, reported on these name changes; pathological hatred was being sowed over many years from church pulpits and controlled media, fiercer even than the racist propaganda in Hitler's Germany (it went so far that books in Cyrillic, kept in home libraries, were considered as proof of Serbophillia!); lists of Serb intellectuals, artists and cultural workers or of other prominent or well-to-do Serbs were published, distributed, publicly displayed or even publicly sold (!) whereby these Serbs were exposed to harassment and mistreatment, dismissed from their jobs or taken to the police for interrogation; their apartments were searched and telephones disconnected, their property was looted and they were liquidated at night, etc.; 6,000 Serbian houses, business establishments and cultural institutions were dynamited; and criminal proceedings were instituted against 20,000 "insurgent" Serbs (according to the official data of the Croatian authorities, whereas the real number is much greater) for the criminal act under article 236 of the Criminal Code of Croatia. The amnesty that followed in September 1992 had by and large no practical effect on these people since prosecutors were empowered to keep their cases in the procedure by lodging a complaint, which most of them did. Ample evidence of the Croatian "justice" meted out to Serbs in Croatia is contained in the report of Amnesty International; and of the denial of citizenship to Serbs. Non-Croats often have to wait to be admitted to Croatian citizenship more than a year and quite a substantial number of them are refused. The Croatian citizenship law provides for the possibility of denying citizenship without explanation to a person who otherwise fulfils all conditions for being granted citizenship (art. 26, paras. 3 and 4, of the said Law). Citizenship is the key category. Suffice it to say that according to article 1, paragraph 2, of the Constitution of the Republic of Croatia, the "power stems from the people and belongs to the people as a community of free and equal citizens". The persons who are denied citizenship enjoy no civil or political rights, they cannot get a job, they are denied licence to open a private business, they have no property or inheritance rights, they cannot make any financial claims, they cannot even collect their savings, are denied the right to vote and cannot contract marriage.

All this happened unnoticed by the international public and information media. If the world did take the trouble to take notice, attention was then focused on individual cases and incidents.

The real dimension of the ethnic cleansing committed against the Serb population in Croatia will be possible to ascertain only if the international community forces Croatian authorities to carry out a census under international supervision in the territory they control (except Krajina) and if an independent

inquiry is carried out in the prosecution and expulsion of Serbs. It is safe to say that only the territories in Croatia in which Serbs offered armed resistance were not ethnically cleansed (Serbian Krajina).

The difference between the position of Serbs in Croatia and the Croats in the Federal Republic of Yugoslavia is in that Croats are allowed to travel freely to Croatia, while fugitive Serbs are banned entry into Croatia and those Serbs who remain in Croatia cannot move around the country freely. Another piece of evidence of the attitude of Croatian authorities towards Serbs is the fact that all bishops of the Serbian Orthodox Church have been expelled from Croatia. At the same time, the dignitaries of all churches perform their duties freely, including those of the Catholic Church.

The Federal Ministry of Human and Minority Rights sincerely hopes that the United Nations and the international community will verify the allegations of the position of Serbs in Croatia and obtain a first-hand knowledge of their human and property rights. On their part, this Ministry and the Government of the Federal Republic of Yugoslavia will take necessary measures to check each and every case cited in the memorandum of the Union of Croat Refugees and Displaced Persons from Vojvodina, confident that the allegations presented in it are unfounded. However, if it is established that some citizens of the Federal Republic of Yugoslavia of Croat nationality were pressured to leave, appropriate legal measures will be taken against the persons suspected of exerting that pressure. We undertake to inform of the results of such investigations, all the more so since the Federal Republic of Yugoslavia has long and unjustly been the favourite "whipping-boy" of the international community and since we want to show that, as guaranteed in its Constitution, all citizens of the Federal Republic of Yugoslavia, irrespective of their national origin and religion, live as equals, the most prominent example of which has always been multinational Vojvodina, in which over 20 ethnic communities have lived side by side for many years. After all, it is neither our intention nor our interest to have people leave the Federal Republic of Yugoslavia because they belong to a national or ethnic minority, although we are well aware that there will always be those who will leave their country for economic reasons, which was the case (with a small number of possible exceptions) with Croats and Hungarians who have left the Federal Republic of Yugoslavia.

UNITED
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Security Council

Distr.
GENERAL

S/26256
7 August 1993

ORIGINAL: ENGLISH

LETTER DATED 6 AUGUST 1993 FROM THE PERMANENT REPRESENTATIVE OF BOSNIA AND HERZEGOVINA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to submit to you the attached letter, dated 6 August 1993, by the President of the Presidency of the Republic of Bosnia and Herzegovina, Mr. Alija Izetbegovic, addressed to Your Excellency.

May I ask for your kind assistance in circulating this letter as a document of the Security Council.

(Signed) Muhamed SACIRBEY
Ambassador and Permanent Representative

Annex

Letter dated 6 August 1993 from the President of the Presidency of the Republic of Bosnia and Herzegovina addressed to the President of the Security Council

We continue to negotiate in good faith and with an urgency to reach a durable settlement. We are none the less concerned that progress is not being achieved in the negotiations while the situation on the ground rapidly deteriorates.

For our part, we remain committed to the peace process and seek rapid progress. And, in this context, we believe it would be helpful if the Security Council clarified certain issues critical for the success of the negotiating process. We feel it is imperative that the international status of the Republic of Bosnia and Herzegovina and that the principles that form the basis for the ongoing negotiations be left unambiguous.

We await the Security Council's response on this matter and are confident that it will be forthcoming soon in view of the critical impact it will have in promoting the prompt success of the negotiations now underway.

(Signed) Alija IZETBEGOVIC
President of the Presidency

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/26257
7 August 1993

ORIGINAL: ENGLISH

LETTER DATED 6 AUGUST 1993 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF MOROCCO TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On behalf of the members of the Security Council which are members of the Non-Aligned Movement (Cape Verde, Djibouti, Morocco, Pakistan and Venezuela), I have the honour to transmit herewith a statement dated 5 August 1993 expressing our views on the ongoing talks in Geneva regarding the situation in Bosnia-Herzegovina (see annex).

I would appreciate it if you would kindly have the text of the present letter and its annex circulated as a document of the Security Council.

(Signed) M. N. BENJELLOUN-TOUIMI
Deputy Permanent Representative
Chargé d'affaires a.i.

Annex

Statement dated 5 August 1993 of the Non-aligned members of the Security Council on the settlement of the conflict in Bosnia and Herzegovina

The Non-aligned members of the Security Council (Cape Verde, Djibouti, Morocco, Pakistan and Venezuela) are following with keen interest the current talks in Geneva under the auspices of the Co-Chairmen of the International Conference on former Yugoslavia for a settlement of the conflict in the Republic of Bosnia and Herzegovina. It is a matter of deep concern that the proposals put forward by the Serbs and Croats seem to be considered as the only basis for a "viable settlement". Needless to say, these run counter to the principles for a political solution agreed at the London International Conference on Former Yugoslavia on 26 August 1992 and supported by the Security Council in its statement of 2 September 1992. The victims, who continue to pay a heavy price for the aggression directed against them, are now being required to pay the final price for a peace which seeks to legitimize the results of that aggression.

In the view of the Non-aligned members of the Council, a just and equitable solution of the conflict in Bosnia and Herzegovina must be in conformity with the Charter of the United Nations and the principles of international law. In particular, it must be based on the full restoration of the sovereignty, territorial integrity and unity of Bosnia and Herzegovina; non-recognition of the acquisition of territory by the use of force; the reversal of the consequences of the use of force and ethnic cleansing and the recognition and respect for the right of all Bosnian refugees to return to their homes in safety and honour, including their right to receive compensation. We are of the firm conviction that any just and durable peace must be based on these principles.

The Non-aligned members of the Council are also convinced that serious negotiations for a settlement of the Bosnian conflict require the establishment of a conducive environment, the minimum conditions for which are an immediate and complete cease-fire throughout Bosnia and Herzegovina and the unimpeded flow of humanitarian assistance. The reality on ground testifies to the contrary.

Motivated by these considerations, the Non-aligned members of the Council have circulated a draft resolution for consideration of Council members. It recalls the London Agreement and spells out the principles for just and equitable political settlement of the conflict. It calls for the cessation of hostilities and the free flow of humanitarian assistance. It is our hope that it would receive the unanimous support of Council members. In our view, it is imperative that the Council send forth a clear and unequivocal message that any settlement based on the formula of "peace at any price" would be unacceptable to the international community.

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Security Council

Distr.
GENERAL

S/26258
6 August 1993

ORIGINAL: ENGLISH

Draft resolution

The Security Council,

Recalling its resolution 849 (1993) of 9 July 1993, which reserved to the Council a decision on the deployment of military observers, following implementation of a cease-fire,

Welcoming the signing on 27 July 1993 of the agreement establishing the cease-fire in Abkhazia, Republic of Georgia,

1. Approves the Secretary-General's proposal as contained in his letter of 4 August 1993 to the President of the Security Council (S/26254) that an advance team of up to ten United Nations military observers be deployed to the region as soon as possible to begin to help to verify compliance with the cease-fire as envisaged in the cease-fire agreement, the mandate of the team to expire within three months, and contemplates that this advance team will be incorporated into a United Nations observer mission if such a mission is formally established by the Council;

2. Looks forward to the report of the Secretary-General on the proposed establishment of a United Nations observer mission, including in particular a detailed estimate of the cost and the scope of this operation, a time-frame for its implementation, and the projected conclusion of this operation;

3. Decides to remain seized of the matter.

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Security Council

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GENERAL

S/26259
9 August 1993

ORIGINAL: ENGLISH

Draft resolution

The Security Council,

Recalling its resolution 813 (1993) of 26 March 1993,

Welcoming the signing under the auspices of ECOWAS, on 25 July 1993, at Cotonou, Benin, of a Peace Agreement between the Interim Government of National Unity of Liberia (IGNU), the National Patriotic Front of Liberia (NPFL) and the United Liberation Movement for Democracy (ULIMO) (S/26272),

Considering that the signing of the Peace Agreement constitutes a major achievement and an important contribution to the restoration of peace and security in Liberia and in this region of West Africa, and creates the opportunity to bring an end to the conflict,

Taking note of the report of the Secretary-General dated 3 August 1993 (S/26200),

1. Welcomes the decision of the Secretary-General to send a technical team to Liberia to gather and evaluate information relevant to the proposed establishment of a United Nations Observer Mission in Liberia (UNOMIL);

2. Approves the dispatch to Liberia as soon as possible of an advance team of thirty military observers to participate in the work of the Joint Cease-fire Monitoring Committee, including in particular to monitor, investigate and report cease-fire violations in conjunction with the said Committee, the mandate of said team to expire within three months;

3. Looks forward to the report of the Secretary-General on the proposed establishment of UNOMIL, including in particular a detailed estimate of the cost and scope of this operation, a time-frame for its implementation, the projected conclusion of this operation, how to ensure coordination between UNOMIL and the peace-keeping forces of ECOWAS and their respective roles and responsibilities;

4. Calls upon all parties to the conflict to respect and implement the cease-fire provided for in the Peace Agreement and to cooperate fully with the advance mission and ensure the safety of all United Nations personnel and all other peace-keeping and humanitarian personnel within Liberia;

5. Urges the conclusion at the earliest possible stage of a status of mission agreement;

6. Commends ECOWAS for its efforts to restore peace, security and stability in Liberia;

7. Commends the Organization of African Unity (OAU) for its efforts in support of the peace process in Liberia;

8. Decides to remain actively seized of this matter.

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Security Council

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GENERAL

S/26260
6 August 1993

ORIGINAL: ENGLISH

LETTER DATED 6 AUGUST 1993 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to convey the attached report addressed to me on 5 August 1993 by the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia.

(Signed) Boutros Boutros-GHALI

Annex

Report of the Co-Chairmen of the Steering Committee on the activities of the International Conference on the Former Yugoslavia

INTRODUCTION

1. It is almost a year since efforts began within the International Conference on the Former Yugoslavia to stop the conflict in Bosnia and Herzegovina. During that time intensive, patient, and painstaking negotiations have been held with the sides involved in the conflict to help to reconcile their positions, but the historical background to the conflict, which stretches over centuries, and an intricately interwoven ethnic make-up in Bosnia and Herzegovina, have made this an exceptionally difficult and delicate task.

2. The past year's efforts have shown that the parties to the conflict are unable to make peace by themselves and even impartial intermediaries cannot always shift one or other of the sides from adopting intransigent and unreasonable positions, when they feel their vital interests are concerned. Nor can intermediaries keep them to their word. Cease-fires are entered into in the full knowledge that they are not going to be fulfilled, and other pledges broken within hours of being made.

3. On 2 May 1993, it appeared that a settlement was in sight: in Athens Mr. Karadzic added his signature to those of President Izetbegovic and Mr. Boban on the Vance-Owen peace plan (see S/25479, annex IV), but by 6 May the Bosnian Serb "Assembly" in Pale had rejected the plan. By 21 May, it had become clear that the international will was lacking to continue pushing for the 10-province solution proposed under the Vance-Owen peace plan and the substantial Bosnian-Serb military roll-back that was implied. As a direct consequence of appearing to move to merely containing Bosnian-Serb military gains, the Bosnian Croats, whose relations with the Bosnian Muslims were already under strain both in the Government of Bosnia and Herzegovina and as supposed military allies, started to act to consolidate their "Herceg Bosna". Relations between the Bosnian Croats and the Bosnian Muslims deteriorated day by day. This flare-up in the fighting led to a further wave of displaced persons crossing the new front lines and more roadblocks, and put increasing strain on the ability of international agencies to deal with the dramatically deteriorating humanitarian situation. With winter not far off, the prospects for the civilian population of Bosnia and Herzegovina began to look ever more dire.

4. The revival of the concept of a confederation for Bosnia and Herzegovina by Presidents Milosevic and Tudjman occurred when the Co-Chairmen visited Belgrade and Zagreb from 9 to 11 June 1993. The concept of a confederal solution for Bosnia and Herzegovina had first been proposed in March 1992 by Ambassador Cutileiro in Lisbon, when Lord Carrington was the European Community Peace Envoy. This proposal came even before the outbreak of war and was initially accepted by all three sides. However, President Izetbegovic withdrew his support for the proposal, and it was from then on vigorously opposed by the Bosnian Government side in the context of the International Conference on the Former Yugoslavia peace talks in Geneva.

5. In Belgrade the Serbs' initial outline map was put forward to the Co-Chairmen, consisting of a core area in central Bosnia for a Muslim-majority republic. There was no clearly defined access to the Sava in the north. In the south, the boundary ran just south of Jablanica. Access to Sarajevo was through a narrow bottleneck. The Muslim-majority republic was to have a slender finger of territory in eastern Bosnia and in the Bihac area the boundary was to be on the current line of confrontation.

6. The Co-Chairmen, after consultation with the Security Council and the European Community, attempted to clarify the Serb-Croat proposals and urge the Serbs and Croats to put forward proposals that took more account of the principles of the August 1992 London Conference, both in regard to any new Constitution, and to the size and shape of any republic in which the Muslims would be in a majority. They also emphasized the great importance of keeping as much of the Vance-Owen plan as possible in any new proposal, particularly those aspects relating to the protection of human rights and the reversal of ethnic cleansing.

7. The Co-Chairmen told the Serbs that the initial outline map would be totally unacceptable to the international community. If there was to be a new tripartite structure for the State of Bosnia and Herzegovina, the Serb and Croat sides had to be far more aware of the legitimate needs of the Muslim-majority republic. While they could not commit the international community to support this approach, the Co-Chairmen indicated to the Serb and Croat sides that, if they expected their proposals to be given serious consideration by President Izetbegovic, they would have to be reworked, and this work should be completed before they could arrange a meeting between President Izetbegovic and Presidents Milosevic, Bulatovic and Tudjman.

8. When the proposals were presented again to the Co-Chairmen on 15 and 16 June, it was an avowedly confederal solution. The Co-Chairmen advised strongly against both labelling and thinking in this way, for it would be seen as the first step towards secession. In addition, there had to be guarantees against the unilateral secession of any of the Constituent Republics. The map did, however, show some progress in extending the boundaries of a proposed Muslim-majority area towards the sea and their overall percentage of territory had been increased, but in eastern Bosnia their territory had decreased. The Co-Chairmen insisted that the three United Nations safe areas in eastern Bosnia - Srebrenica, Zepa and Gorazde - had to be retained, and that the overall percentage should not fall below 30 per cent. Progress was made, in cooperation with the Croatian Government, on guarantees for access to the port of Ploce. The Co-Chairmen also emphasized that allocation of a port area as well as access to the Sava River remained a major concern.

9. The Serb-Croat concept was explained to President Izetbegovic by Presidents Milosevic, Tudjman and Bulatovic. He listened carefully and asked for a detailed proposal that he could put before the Presidency.

10. On 23 June in Geneva the Serb and Croat sides came forward with nine constitutional principles (see S/26066, appendix I) after detailed discussion with the Co-Chairmen. These were presented to seven members of the Presidency, who had travelled to Geneva, and who also saw the "troika" of the European Community. The Presidency came up with constitutional proposals of its own,

based on a federal concept, which were presented to the Co-Chairmen on 11 July in Zagreb.

11. In the intervening period the Co-Chairmen remained in close contact with President Izetbegovic. They also had further contacts with Presidents Tudjman and Milosevic, and both Presidents agreed that any Muslim-majority republic should have at least 30 per cent of the territory of Bosnia and Herzegovina. However, a revised map presented in Belgrade on 8 July, although it had improved in some aspects, no longer included the three "safe areas" in Eastern Bosnia established under Security Council resolution 824 (1993). The Co-Chairmen warned that, if the Serb and Croat parties wanted the international community to accept their proposals, these areas had to be left in the Muslim-majority republic. They re-emphasized this point when they met Presidents Tudjman and Milosevic in Geneva on 17 July. On that occasion the two Presidents issued a statement saying that they were against the partition of Bosnia and Herzegovina, and that the only way to achieve permanent peace lay in the recognition of all the three constituent peoples.

I. THE CURRENT ROUND OF PEACE TALKS

12. It was against this background that the Co-Chairmen invited the three sides to participate in the latest round of negotiations.

13. The peace talks began on 27 July 1993 and are expected to continue on Monday, 9 August. The discussions concentrated on steps to secure a cease-fire and on ways and means of dealing with humanitarian issues; future constitutional arrangements; and the allocation of territory to the constituent entities.

14. Despite the undertakings of all three political leaders to end hostilities, the negotiations, as has been all too common, proceeded against the backdrop of continued fighting, although at a generally much reduced level. The major offensive activity throughout all but the last few days of the current negotiating period was the Bosnian Government's attack against the Bosnian Croats in central Bosnia, leading to the capture of Fojnica and of most of Gornji Vakuf. The Bosnian Serb attacks against the government forces around Sarajevo dominated the picture, started first on Zuc Hill, then on Mounts Bjelasnica and Igman. The Bosnian-Serb operations in northern Bosnia to widen their east-west corridor also continued. In southern Bosnia, the Bosnian Croats, with support from the Croatian Army, continued to build up in the general Prozor area prior to possible counter-attacks against the Bosnian government forces. Western and eastern Bosnia were generally quiet.

Cessation of hostilities and humanitarian issues

15. Following discussions on 27, 28 and 29 July 1993, President Izetbegovic, Mr. Karadzic and Mr. Boban agreed to issue immediate directives to their military commanders to implement a full cessation of hostilities. They further agreed that in order to reinforce this directive, the commanders of the three military forces should meet immediately at Sarajevo Airport under the chairmanship of the United Nations. Furthermore, the commanders should meet each day while the talks continued so as to discuss the causes of any conflict and to correct the situation. The commanders were also requested to discuss

whether any modifications were needed to the military agreement contained in the Vance-Owen peace plan, which all three sides had reaffirmed.

16. The military commanders of the three sides met at Sarajevo Airport on 30 July under the auspices of the Force Commander of the United Nations Protection Force (UNPROFOR). At the end of their meeting that day, they signed an agreement providing that all forces of the three parties cease combat activities and freeze all military activities, including military movements, deployment of forces and establishment of fortifications. The agreement also provided for permitting free passage for UNPROFOR convoys and convoy escorts, and free passage for humanitarian aid convoys (see S/26233, appendix I).

17. On 4 August, the Serb side agreed in principle to the Co-Chairmen's reiteration of the proposal for the opening up of Sarajevo. The general concept is the relief of the immediate humanitarian situation and the reversal of the strangulation of the people of Sarajevo by the opening up of selected routes to all movements of humanitarian goods, material and people. Checkpoints would need to be established to exclude any warlike goods. The Co-Chairmen put the proposal to members of the Presidency on 5 August; they agreed in principle without prejudice to their negotiating position. Both sides agreed to instruct their military commanders to enter into immediate negotiations, within the framework of the Mixed Military Working Group, with a view to reaching an early agreement on this proposal, which would have to be staged and subject to the strict upholding of the cease-fire. After a meeting in Pale on 5 August, Lieutenant General Briquemont and Mr. Karadzic issued a joint statement agreeing to the first stages in this process, to be followed up by a meeting on 6 August to consider the detail.

Constitutional Agreement

18. During the discussions on constitutional issues, all sides submitted working papers, which were distributed and discussed. Taking these submissions into account, and having regard to the issues raised in the discussions, a consolidated working paper was discussed and examined in detail, with all sides participating in an open and constructive manner.

19. After intensive discussion on a number of drafts submitted by the parties, with amendments submitted by all three parties, they agreed on 30 July to a constitutional agreement for a Union of Republics of Bosnia and Herzegovina (see appendix I) and to it forming part of an overall peace settlement.

20. In reply to a letter which President Izetbegovic sent to them on 31 July asking for clarification of chapter I, article 1, of the Constitutional Agreement and in particular the question of the membership in the United Nations of the Union of Republics of Bosnia and Herzegovina, the Co-Chairmen wrote as follows:

> "(a) Bosnia and Herzegovina is already a recognized State Member of the United Nations;
>
> "(b) The principles adopted at the London Conference, as well as the principles laid down by the Security Council, guarantee the sovereignty,

independence and territorial integrity of Bosnia and Herzegovina as a State Member of the United Nations;

"(c) Article I of the Constitutional Agreement, which all three parties have agreed to, states that 'the Union of Republics of Bosnia and Herzegovina will be a State Member of the United Nations'. We interpret this article in the spirit of the Charter of the United Nations, the Principles of the London Conference and the principles laid down by the Security Council and therefore confirm to you our understanding that the meaning of article 1 is that the Union of Republics of Bosnia and Herzegovina will continue as a State Member of the United Nations."

21. The Co-Chairmen subsequently suggested to the Presidency that, if it was still concerned about the issue, it should ask the Security Council to put the matter beyond doubt.

22. It should be noted that the provisions of the Constitutional Agreement make it legally impossible to dissolve the Union without the free consent of all three Constituent Republics.

Annexes to the Constitutional Agreement

23. In subsequent discussions with the parties the following annexes to the Constitutional Agreement were prepared and were accepted by all three sides.

Annex B: Composition and competence of the Human Rights Court

Annex C: List of human rights instruments incorporated in the Constitutional Agreement

Annex D: Initial appointment and functions of the Ombudsmen

Agreed arrangements concerning the Constitutional Agreement of the Union of Republics of Bosnia and Herzegovina

24. All three sides agreed that "the name of each Constituent Republic will be determined by the competent authorities of that Republic". Also all three sides agreed that "the map of the three Constituent Republics set out in part I of annex A to the Constitutional Agreement will be referred to the Boundary Commission established in accordance with chapter II, article 1 (b), of that Agreement, and the Commission shall ensure that the territory of the Republic marked as No. 1 on the map shall not be less than 30 per cent of the entire territory of the Union of Republics of Bosnia and Herzegovina" (see appendix II).

Access Authority

25. During the discussions, the Co-Chairmen stressed the vital importance of ensuring freedom of movement throughout the country. They proposed establishing an Access Authority (see appendix II), as had been foreseen under the Vance-Owen peace plan, with Access Authority throughways to ensure access in sensitive areas of the country after UNPROFOR withdraws. The roads designated as throughways are set out in appendix II. They also stressed that the

"blue route" concept in the Agreement for Peace in the Vance-Owen peace plan would also be maintained and this would ensure, within a few days, access through Sarajevo city and the surrounding areas out to key cities. Immediately UNPROFOR started to implement the military plan, there would be guaranteed road access along the designated "blue routes": Sarajevo-Ilidza-Hadzici-Tarcin-Jablanica-Mostar, Sarajevo-Rajlovac-Iliajas-Visoko-Zenica, Sarajevo-Bentbasa-Mokro-Sokolac-Vlasenica-Zvornik.

26. The railway and road from Ploce to Doboj which, after it crosses the Croatian border, follows the route Mostar-Jablanica-Sarajevo-Zenica-Doboj, would criss-cross all three of the proposed Constituent Republics. For this reason, the Co-Chairmen argued strongly that it should be run by the Access Authority and this too was agreed by all sides.

27. It was suggested by the Bosnian Serbs that, during the time that UNPROFOR was present in the country, a number of bypass roads could be built to give guaranteed access within the territory of each Constituent Republic, if they believed that this was necessary.

Access of Bosnia and Herzegovina to the sea

28. The Co-Chairmen considered this question of key importance and the participation of President Tudjman in the peace talks facilitated the negotiation between the Republic of Croatia and the three Bosnian parties of a preliminary agreement for implementing the 1965 Convention on Transit Trade of Land-Locked States in order to secure preferential access for the Union of Republics of Bosnia and Herzegovina to two Croatian ports on the Adriatic: Ploce and Rijeka. The draft agreement (see appendix IV) would in return provide Croatia with designated road and rail routes from the northern to the southern part of its territory through that of Bosnia and Herzegovina. The Co-Chairmen believe that this agreement will greatly benefit the economies of both States, and the draft has been supported by all three sides.

Military aspects of implementing a peaceful settlement

29. During the discussions, the three sides reaffirmed their acceptance of the Agreement for peace in Bosnia and Herzegovina, which deals with the military aspects of implementing a peaceful settlement for Bosnia and Herzegovina and further agreed that all necessary updating of the document would be undertaken by the Mixed Military Working Group under the chairmanship of UNPROFOR. This process is now under way in Sarajevo (see appendix III).

Territorial arrangements (see annex A to the Constitutional Agreement)

30. Once the Bosnian Presidency had agreed in principle to examine a possible three-republic structure for Bosnia and Herzegovina, the Co-Chairmen pursued the approach they had consistently taken through the weeks of clarification talks. Emphasizing that, while the maps were the responsibility of the parties, any solution based on three republics was inevitably going to be more ethnically based than that in the Vance-Owen peace plan. Yet other crucial factors had to be taken into account, including communications links, geography and economic viability. They repeatedly stressed, however, that the Muslim-majority republic

should have at least 30 per cent of the territory. This commitment was agreed by all three sides.

31. A series of intense and detailed bilateral and trilateral talks were held, during which the parties set out their positions. The Serb and Croat sides repeatedly referred to the fact that the Muslim-majority republic would contain most of the major population centres of Bosnia and Herzegovina, and also the majority of the industrial centres and natural resources, and that this justified the Serb-majority Republic having a higher percentage of the territory than envisaged in the Vance-Owen peace plan. Nevertheless, the Serbs claimed that with 30 per cent guaranteed for the Muslim-majority republic, they would be accepting a major roll-back of about 18 per cent.

32. A great deal of progress was made during the bilateral and trilateral talks when all parties engaged fully in the negotiations. After President Izetbegovic's temporary withdrawal from the negotiations because of the continued fighting, especially around Sarajevo, the Co-Chairmen did their best to make further progress and in particular to persuade the Serb and Croat sides to cede more territory, and clarify points of contention, in bilateral talks.

33. Brcko. A detailed Serb proposal emerged in discussions for dealing with the question of access to Brcko. A fly-over complex should be constructed on the western outskirts of Brcko, where the Tuzla-Brcko road crosses the Tuzla-Brcko railway line, involving the Tuzla-Brcko road, the Tuzla-Brcko railway line and a new road that will run from west to east. From the west side of the fly-over complex, the boundary of the Muslim-majority republic would run west along a line north of the Tuzla-Brcko railway; and run south-east to the Brcka river and from there south of the Tuzla road, skirting Broad and running east of Brka. To the north-east of this fly-over complex, the boundary of the Muslim-majority republic would run to the north-west of the town, to a point east of the junction of the Gorice-Brcko and Donji Rahic-Brcko roads and from there to the Sava River, east of the settlement of Grbavica. It would run north-east along the Brcka river, which would form the eastern boundary. The existing railway line running from the fly-over complex to the Sava in the territory of the Serb-majority republic would come under the Access Authority. The Access Authority would also be responsible for rebuilding the destroyed railway bridge across the Sava. The Presidency is considering its attitude to this proposal as part of the overall peace settlement.

34. Eastern Bosnia. President Izetbegovic pressed hard for a large area of territory in this area, going much wider than the three safe areas of Gorazde, Zepa, and Srebrenica. The Co-Chairmen had intense negotiations with the Serb side, which initially was reluctant to cede any territory at all. The Co-Chairmen managed to move them some way from their initial offer of giving the three special autonomous status within the Serb-majority republic. Eventually the Serb side conceded that Gorazde should be linked territorially to the central area of the Muslim-majority republic. An Access Authority throughway would link it from Sarajevo to just above Trnovo, then through Cajnice to the Montenegrin border and the Sanjak, as had been proposed in the Vance-Owen peace plan. Zepa and Srebrenica would be linked to each other and the territory around them enlarged by 100 per cent. They would be linked to the Muslim-majority republic by an Access Authority throughway to Kakanj. The Presidency

is considering its attitude to this proposal as part of an overall peace settlement.

35. Bihac pocket. The Co-Chairmen urged the Serb side to extend the boundary of the Bihac area eastward from the existing front line. They recalled that this was an area which stirred up strong emotions in the international community because of the widely documented ethnic cleansing that had taken place in such cities as Prijedor, Sanski Most and Bosanski Novi. President Milosevic backed the Co-Chairmen's requests for the boundaries of this area to go east of the Una river, and some concessions were made, but the basic Serb position was that this territory had been traditionally Serb prior to massacres during the Second World War. Guaranteed access from Bihac to Rijeka was agreed, as was an Access Authority throughway to Travnik and eastern Herzegovina. The Presidency is considering its attitude to this proposal as part of an overall peace settlement.

36. Posavina and eastern Herzegovina. The Serb and Croat sides are still continuing to negotiate on the exact boundary between their republics in the north at Posavina along the Sava, and in the south above Dubrovnik.

37. Central Bosnia. The boundary between the Croat and Muslim-majority republics in this region, where fighting was intense while negotiations were continuing, was an area of great contention. The atmosphere for negotiations was not improved by the offensive the Bosnian Government army launched in this region. A Serb-Croat proposal emerged for the boundary to run along the Lasva River from Travnik to the east. The Presidency is considering its attitude to central Bosnia and is hoping to have bilateral talks with the Croat side before the talks resume in Geneva.

38. Sarajevo. This was the most contentious issue during discussions on the future map, with positions deeply entrenched. The passions aroused are intense. The local loyalties, mainly Muslim and Serb, though also Croat, of those living in the city itself and in the surrounding settlements are fierce, and have been heightened by more than a year of fighting. For any side, reaching a compromise by taking a decision to give up territory that has been held by their people through these months is an intensely difficult and emotive issue.

39. The Serbs proposed that all of the inner city of Sarajevo would be in the Muslim-majority republic, and to make this possible, they are prepared to leave the area of Grbavica, which they currently hold. They believe, however, that they need to compensate for this by having the housing estate at Nedarici, which they hold, and the whole of the Dobrinja housing estate, the centre of which the Bosnian Government holds, in the Serb-majority republic.

40. Both the Muslim-majority republic and the Serb-majority republic would have access to the airport, with the boundary between the two republics running down the centre of the runway. The Muslim-majority republic's access to the airport would be through Stup, to the north of the airport. The Serb side would have access to Ilidza, Ilijas and Hadzici, all areas which they wish to retain, from the south of the airport. Road access from Pale to the airport would initially be via a throughway running along the transit route through the south of the city. The Serbs intend to build a bypass as soon as possible.

41. The Serbs propose that, in order to provide guaranteed access to the city from the north, Vogosca, which is currently held by the Serbs, and the area around it would become part of the Muslim-majority republic. Of the settlements surrounding Sarajevo, the Serb-held areas of Ilijas, Rajlovac and Ilidza would form part of the Serb-majority republic. In order to link the Serb-held areas of Ilidza and Lukavica, which have a majority Serb population, the settlements of Butmir, currently held by the Bosnian Government, and Hrasnica, parts of which are held by the Government, would come within the Serb-majority republic.

42. The railways running into the city from the north and south would cross over the proposed boundaries a number of times, and since it is in the interests of all parties to allow the free flow of traffic on them, they would be under the Access Authority.

43. The Serb side would undertake to construct a bypass on the territory of the Muslim-majority republic linking the main Mostar road to the Zenica road and would be responsible for building another bypass linking the Zenica road to the main Tuzla-Sarajevo road east of Ilijas.

44. It has been agreed by all sides that the main road running south from Sarajevo to just above Trnovo would be an Access Authority throughway and also that Sarajevo airport would come under the Access Authority.

45. For President Izetbegovic, and many among the Presidency and the opposition leaders who attended the talks in Geneva, the very idea of dividing the area surrounding Sarajevo from the city itself in any way is inconceivable. They believe that having fought for the idea of a united country, they cannot live with a solution which, regardless of what happens in the rest of the country, divides their capital city. They sense that they have world opinion on their side on this issue. On the other hand, the Serb side is equally adamant that Sarajevo is surrounded by areas that have been traditionally Serb for centuries, and which throughout the war have remained in Serb hands, and that these areas should be in the Serb-majority republic. They intend that the capital of the Serb-majority republic would be built around the Serb settlement of Ilidza.

46. This dilemma over Sarajevo is not new to the Co-Chairmen. During these last 10 days, many of the concepts that had previously come up during the negotiations on the Vance-Owen peace plan were gone over yet again in considerable detail. These included all of the parties sharing the administration of the whole of Sarajevo (the 3-3-3 concept developed during the Vance-Owen negotiations), a small capital building area coming under joint administration and other similar schemes on which agreement is unlikely to be reached.

47. The Serb proposal that eventually emerged after long and difficult discussions with the Co-Chairmen, who warned them that it would present great difficulties to the other parties, was not acceptable to President Izetbegovic and a majority of the Presidency. It raised a number of problems, above and beyond the fundamental criticism of splitting the valley in which Sarajevo city itself nestles between the mountains. They had doubts over access from the city to the rest of the Muslim-majority republic, which was vital, although the Serb side had reluctantly agreed to give up the Vogosca area. They were also

concerned about the Rajlovac area, which overlooks the road and rail access routes running to and from the city centre.

Comment

48. Under these circumstances, the Co-Chairmen are driven to the belief that it may not be possible to negotiate a permanent solution in Sarajevo for some time. Time may be needed for the wounds of the war to heal; time to restore the damage done to communications and buildings in the Serb, Muslim and Croat areas; time during which the three republics will learn to live and cooperate together and for the citizens of Bosnia and Herzegovina to rediscover mutual respect and tolerance.

49. Sarajevo is already designated a United Nations safe area. The Co-Chairmen believe that the Security Council and the international community will have to consider whether a temporary solution might have to be found, which may have to last one or more years. During this time it could be easier for both sides to move towards a permanent settlement, compatible with the Constitutional Agreement that has been a major product of the present period of negotiations.

II. IMPLEMENTATION

50. The Co-Chairmen have proceeded on the basis that, if agreement was reached on the concepts outlined above, from the start of implementation of the Agreement for peace in Bosnia and Herzegovina, the force established or charged by the United Nations with assisting in implementing an greement (the Implementation Force) would, after the relevant Security Council resolutions, begin implementing all key aspects of the Agreement for peace in Bosnia and Herzegovina. It has been envisaged that the Implementation Force would have its responsibilities phased out and withdraw once free and fair elections were held, which would have to take place no later than two years after the signature of the Agreement relating to Bosnia and Herzegovina. In respect of those areas designated as "safe areas" under Security Council resolution 824 (1993), apart from Sarajevo, which is dealt with above, and Tuzla and Bihac which would not be as vulnerable as the others, the United Nations has said that it would give special protection as a temporary measure. It is possible that the United Nations Security Council might wish to continue to protect Srebrenica, Zepa and Gorazde for a period longer than after the elections, but that is a judgement which it is unlikely to make at this moment.

51. The Implementation Force would have responsibility for opening up and guaranteeing key communications links, as outlined above. It would only be following the withdrawal of the Implementation Force that sole responsibility for ensuring access and freedom of movement along roads and railways would fall to the Access Authority.

52. The Implementation Force would begin overseeing the separation of forces and the withdrawal of heavy weapons, which would facilitate the reopening of routes and the free movement of people. It would then move on to progressive demilitarization of the entire country.

53. During the implementation period, the civil elements of the Implementation Force would supervise the various civil engineering projects needed to effect the longer-term access arrangements, in particular in Brcko and Sarajevo. In the early months following a settlement, many temporary solutions would have to be adopted by local agreement. The Implementation Force would assist in devising and implementing such solutions prior to the realization of permanent solutions.

54. The Co-Chairmen cannot stress enough to the Security Council and the European Community and the rest of the international community the vital need for an effective Implementation Force. The early dispatch of a credible force will itself ensure the greatest chance of achieving the objectives of the peace settlement including the reversal of ethnic cleansing and the monitoring of human rights. The world has watched in dismay and despair as the horror has unfolded in Bosnia and Herzegovina. Nevertheless the humanitarian effort over the last winter was immense and broadly successful. Peace now is imperative, but to ensure that it is not peace at any price, the world must pay the price of a serious and successful implementation period.

Appendix I*

Constitutional Agreement of the Union of Republics of Bosnia and Herzegovina

I. THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA

Article 1

The Union of Republics of Bosnia and Herzegovina is composed of three Constituent Republics and encompasses three constituent peoples: the Muslims, Serbs and Croats, as well as a group of other peoples. The Union of Republics of Bosnia and Herzegovina will be a State Member of the United Nations, and as a Member State it shall apply for membership in other organizations of the United Nations system.

Article 2

The flag and emblem of the Union of Republics of Bosnia and Herzegovina shall be specified by a law adopted by the Union Parliament.

Article 3

(a) Citizenship of Bosnia and Herzegovina shall be determined by a law adopted by the Union Parliament.

(b) Every person who on the entry into force of this Constitutional Agreement was entitled to be a citizen of the Republic of Bosnia and Herzegovina shall be entitled to be a citizen of a Constituent Republic as well as of the Union of Republics of Bosnia and Herzegovina.

(c) Dual citizenship shall be allowed.

(d) Decisions about citizenship shall be made by the designated organs of the Constituent Republics, subject to appeal to the competent courts.

Article 4

Neither the Union of Republics of Bosnia and Herzegovina nor any of the Constituent Republics shall maintain any military force, and any forces existing on the date of the entry into force of this Constitutional Agreement shall be progressively disarmed and disbanded under the supervision of the United Nations and the European Community.

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* Previously reproduced in document S/26233, appendix II.

II. CONSTITUENT REPUBLICS AND THEIR RESPONSIBILITIES

Article 1

(a) The boundaries of the Constituent Republics shall be as set out in annex A, part I. Except as provided in paragraph (b) below, the boundaries of the Republics may be changed only by the procedure provided for amending this Constitutional Agreement.

(b) Marginal changes in the boundaries set out in annex A may be made by the Presidency on the recommendation of a Boundary Commission, which shall receive evidence from those specifically affected by them. The Commission shall consist of five persons appointed by the Secretary-General of the United Nations, of whom three shall be persons recommended by representatives of the three constituent peoples.

(c) The areas specified in annex A, part II, even though within the territory and under the jurisdiction of a Constituent Republic, shall be vested in the Union of Republics of Bosnia and Herzegovina, for the purpose of ensuring access by all citizens to buildings of the Union in Sarajevo, to the sea at Neum and to the Sava River.

(d) There shall be no border controls on boundaries between the Constituent Republics, and there shall be free movement of persons, goods and services throughout the territory of the Union of Republics of Bosnia and Herzegovina.

Article 2

(a) Each of the Constituent Republics shall adopt its own Constitution, which shall provide for democratic forms of government, including democratically elected legislatures and chief executives and independent judiciaries, as well as for the highest standards of human rights and fundamental freedoms. No provision of these Constitutions may be inconsistent with this Constitutional Agreement.

(b) The initial elections in each Constituent Republic shall be supervised by the United Nations and by the European Community.

Article 3

All governmental functions and powers, except those assigned by this Constitutional Agreement to the Union of Republics of Bosnia and Herzegovina or to any of its institutions, shall be those of the Constituent Republics.

Article 4

All acts taken by a competent governmental authority of any of the Constituent Republics shall be accepted as valid by the other Constituent Republics.

III. COMMON INSTITUTIONS OF THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA

Article 1

(a) The Presidency of the Union of Republics of Bosnia and Herzegovina shall consist of the President, or of an appointee of the legislature, of each of the Constituent Republics.

(b) The Chairmanship of the Presidency shall rotate every four months among the members of the Presidency. The Chairman of the Presidency shall represent the Union of Republics of Bosnia and Herzegovina.

(c) The Presidency shall take all its decisions by consensus.

Article 2

(a) The head of the Council of Ministers of the Union of Republics of Bosnia and Herzegovina shall be the Prime Minister, who shall be appointed and may be removed by the Presidency. The post shall rotate every year so as to be occupied in turn by the nominee of the President of a different Constituent Republic.

(b) The Presidency shall also appoint and may remove a Foreign Minister. The post shall rotate every year so as to be occupied in turn by the nominee of the President of a different Constituent Republic.

(c) The Prime Minister and the Foreign Minister shall be from different Constituent Republics.

(d) Other Ministers may be appointed by the Presidency. They and the Prime Minister and the Foreign Minister shall constitute the Council of Ministers, with responsibility for the policies of the Union of Republics of Bosnia and Herzegovina in relation to foreign affairs, international trade and the functioning of the common institutions, as well as any other functions and institutions that the Union Parliament may from time to time specify by law.

Article 3

(a) The Parliament of the Union of Republics of Bosnia and Herzegovina shall be composed of 120 representatives, one third each to be elected by the respective legislatures of the Constituent Republics.

(b) The Union Parliament may by a simple majority of the members from each Constituent Republic adopt laws within the competence of the Union of Republics of Bosnia and Herzegovina.

Article 4

The Union of Republics of Bosnia and Herzegovina shall have the following courts:

(i) A Supreme Court, composed of four judges appointed by the Presidency, no two of whom shall be from the same peoples, which, except as specified in subparagraph (iii) below, shall be the final court of appeals from the courts of the Constituent Republics;

(ii) A Constitutional Court, composed of three judges appointed by the Presidency, no two of whom shall be from the same Constituent Republic, which shall be competent to resolve by consensus disputes among the Constituent Republics, between any of these and the Union of Republics of Bosnia and Herzegovina or any of its common institutions, and among any of these institutions. Should the Court not be constituted or be unable to resolve a dispute, it shall be referred for a binding decision by a standing arbitral tribunal composed of judges of the International Court of Justice or members of the Permanent Court of Arbitration, one each of whom shall be selected by the President of each of the Constituent Republics and two of whom shall be selected by the Presidency or, if it is unable to do so, by the Secretary-General of the United Nations and by the President of the Council of Ministers of the European Community;

(iii) A Court of Human Rights to be established in accordance with resolution 93 (6) of the Committee of Ministers of the Council of Europe, whose precise composition and competence shall be as set out in the agreed annex B.

Article 5

Joint authorities between two or more of the Constituent Republics may be established by agreement of the Republics concerned if approved by a law adopted by the Union Parliament.

IV. INTERNATIONAL RELATIONS

Article 1

(a) The Union of Republics of Bosnia and Herzegovina shall apply for membership of European and international institutions and organizations, as decided by the Presidency.

(b) Any Constituent Republic may apply for membership of an international organization if such membership would not be inconsistent with the interests of the Union of Republics of Bosnia and Herzegovina or of either of the other Constituent Republics.

Article 2

(a) The Union of Republics of Bosnia and Herzegovina shall remain a party to all international treaties in force for the Republic of Bosnia and Herzegovina on the date of the entry into force of this Constitutional Agreement, unless the Union Parliament decides that steps to denounce any such treaty shall be taken. However, treaties entered into after 18 November 1990 shall be considered by the Union Parliament within a period of three months from

the entry into force of this Constitutional Agreement and shall remain in force only if the Union Parliament so decides.

(b) The Union of Republics of Bosnia and Herzegovina shall continue all diplomatic relations until the Presidency decides to continue or discontinue them.

(c) The Union of Republics of Bosnia and Herzegovina may become a party to international treaties if such participation is approved by the Union Parliament. The Parliament may by law provide for participation in certain types of international agreements by decision of the Presidency. To the extent such participation would involve responsibilities that are to be carried out by the Constituent Republics, their advance approval must be secured, except in respect of the treaties referred to in chapter V, article 3, below.

(d) Any Constituent Republic may, if eligible, become a party to an international treaty if such participation would not be inconsistent with the interests of the Union of Republics of Bosnia and Herzegovina or of either of the other Constituent Republics.

V. HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Article 1

(a) Subject to article 2 below, all persons within the territory of the Union of Republics of Bosnia and Herzegovina shall be entitled to enjoy the rights and freedoms provided for in the instruments listed in annex C.

(b) Should there be any discrepancy between the rights and freedoms specified in any of these instruments, or between any of these and the rights and freedoms specified in any other legal provisions in force, the provision providing the greater protection for human rights and fundamental freedoms shall be applied.

Article 2

All courts, administrative agencies and other governmental organs of the Union of Republics of Bosnia and Herzegovina and of the Constituent Republics shall apply and conform to the rights and freedoms specified in the instruments listed in parts I and IV of annex C. The rights specified in the instruments listed in parts II and III of annex C shall be considered as aspirations to be attained as rapidly as possible; all legislative, judicial, administrative and other governmental organs of the Union and Republic Governments shall take these rights appropriately into account in promulgating, executing and interpreting any legislative provisions designed to or otherwise suitable for implementing such rights and in otherwise carrying out the functions of these organs.

Article 3

The Union of Republics of Bosnia and Herzegovina shall as soon as possible become a party to each of the international treaties listed in annex C.

Article 4

All organs of the Union and Republic Governments shall cooperate with the supervisory bodies established by any of the instruments listed in annex C, as well as with the International Human Rights Monitoring Mission for Bosnia and Herzegovina established by the United Nations.

Article 5

(a) All citizens shall have the right to settle in any part of the territory of the Union of Republics of Bosnia and Herzegovina. They shall have the right to have restored to the many property of which they were deprived in the course of ethnic cleansing and to be compensated for any property which cannot be restored to them.

(b) The Union Parliament, as well as the legislatures of the Constituent Republics, shall enact laws to assist in implementing these rights.

Article 6

To assist in implementing the rights and freedoms specified in this chapter and in particular in article 5 (a) above, ombudsmen shall be appointed and carry out functions initially as specified in annex D and thereafter as specified in a law adopted by the Union Parliament.

VI. FINANCES

Article 1

(a) The Union Parliament shall each year, on the proposal of the Prime Minister and with the subsequent approval of the Presidency, adopt a budget covering the expenditures required to carry out only those functions of the Union of Republics of Bosnia and Herzegovina relating to the maintenance of its common institutions and compliance with its international obligations, as well as such other functions as may from time to time be agreed by the Union Parliament.

(b) If no such budget is adopted in due course, the budget for the previous year shall be used on a provisional basis.

Article 2

(a) The expenditures provided for in the budget shall, except to the extent that other revenues are available or as otherwise specified in a law adopted by the Union Parliament, be covered in equal part by each of the Constituent Republics.

(b) Other sources of revenues, such as custom duties, fees for services or taxes on specified activities, may be determined by law.

VII. THE CONSTITUTIONAL AGREEMENT

Article 1

(a) This Constitutional Agreement may be amended by decision of the Union Parliament, when such amendment has been approved by each of the Constituent Republics according to its constitutional processes.

(b) No amendment may be adopted that abolishes or diminishes any of the rights or freedoms specified in chapter V.

Article 2

(a) This Constitutional Agreement may not be abolished and none of the Constituent Republics may withdraw from the Union of Republics of Bosnia and Herzegovina without the prior agreement of all of the Republics. Such a decision may be appealed to the Security Council by any of the Constituent Republics, and the Council's decision shall be final.

(b) Should any of the Constituent Republics withdraw from the Union of Republics of Bosnia and Herzegovina, the areas specified in annex A, part II, that are within the territory of such Republic shall remain a part of the Union of Republics of Bosnia and Herzegovina.

Article 3

This Constitutional Agreement shall enter into force when approved as part of the overall peace settlement by representatives of the three constituent peoples, and on a date specified by them.

Annex A

I. THE BOUNDARIES OF THE CONSTITUENT REPUBLICS

The boundaries of the Constituent Republics shall be as indicated on the map below, subject to any changes that may be made in accordance with chapter II, article 1 (b), of the Constitutional Agreement.

II. AREAS VESTED IN THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA

1. The area defined by the present opstina of Neum and that part of the present opstina of Stolac that lies below the southern border of the Constituent Republic that extends up through Sarajevo to Brcko on the Sava.

2. That part of the railway line from Tuzla that passes across Brcko to the railway bridge on the Sava.

3. Those public buildings in the city of Sarajevo and in the surrounding area that are designated by the Presidency to be used by the Union Parliament, the Council of Ministers, the Supreme, Constitutional and Human Rights Courts and the administrative institutions of the Union.

Annex B

Composition and competence of the Human Rights Court

Article 1

The Human Rights Court of Bosnia and Herzegovina (the "Court" shall operate within the framework of the mechanism established by the Council of Europe by resolution 93 (6) of its Council of Ministers, as that resolution may be amended from time to time.

Article 2

(a) The Court shall initially consist of nine judges.

(b) The Presidency shall appoint four of the judges of the Court, one from each recognized group: Muslims, Serbs, Croats and others. These judges shall enjoy tenure and shall not require reappointment.

(c) The Committee of Ministers of the Council of Europe shall appoint five of the judges of the Court in accordance with the above-cited resolution. These judges may not be citizens of the Republic of Bosnia and Herzegovina nor of neighbouring States.

(d) If the Court concludes that its business requires the participation of more judges to avoid undue delays in the disposition of cases, the Government shall make arrangements with the Council of Europe for the appointment of additional judges, in accordance with the above-specified proportion of national and foreign judges.

Article 3

(a) The Court shall regulate its own procedures and its organization.

(b) Each panel of the Court is to have the composition specified for the Court in article 2, paragraphs (b) and (c), of the present annex.

(c) The equality of the parties shall be ensured in every proceeding.

(d) The Court shall allow written and oral pleadings in every proceeding pursuant to articles 5 to 7 of the present annex.

Article 4

The competence of the Human Rights Court shall extend to any question concerning a constitutional or other legal provision relating to human rights or fundamental freedoms or to any of the instruments listed in annex C to the Constitutional Agreement.

Article 5

Any party to a proceeding in which another court of the Union of Republics of Bosnia and Herzegovina or of any of its Constituent Republics has pronounced a judgement that is not subject to any other appeal (for a reason other than the lapse of a time-limit for which the moving party is responsible), may appeal such judgement to the Court on the basis of any question within its competence. The decision of the Court on such an appeal shall be final and binding.

Article 6

(a) An appeal may also be taken to the Court if a proceeding is pending for what it considers an unduly long time in any other court of the Union of Republics of Bosnia and Herzegovina or of any of its Constituent Republics.

(b) The Court shall decide whether to accept such an appeal after a preliminary consideration of whether the proceeding in the other court had been pending too long and whether the subject of the appeal is within its competence.

Article 7

Any appellate court of the Union of Republics of Bosnia and Herzegovina or of any of its Constituent Republics may, at the request of any party to a proceeding pending before it or on its own motion in relation to such a proceeding, address to the Court a question arising out of the proceeding if the question relates to any matter within the competence of the Court. The response of the Court is binding on the requesting court.

Article 8

The Court shall continue to function until the Union of Republics of Bosnia and Herzegovina becomes a party to the European Convention on Human Rights and Fundamental Freedoms, unless the Council of Europe mechanism referred to in article 1 of the present annex ceases at some earlier date to be in force in respect of the Union of Republics of Bosnia and Herzegovina.

Annex C

Human rights instruments incorporated in the Constitutional Agreement

A. General human rights, especially civil and political rights

1. The 1948 Convention on the Prevention and Punishment of the Crime of Genocide

2. The 1948 Universal Declaration of Human Rights, arts. 1-21

3. The four 1949 Geneva Conventions on the laws of war, and the two Geneva Protocols thereto of 1977

4. The 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms, and Protocols 1 to 10 thereto

5. The 1951 Convention relating to the Status of Refugees and the 1966 Protocol thereto

6. The 1965 International Convention on the Elimination of All Forms of Racial Discrimination

7. The 1966 International Covenant on Civil and Political Rights and the Optional Protocols thereto of 1966 and 1989

8. The 1979 International Convention on the Elimination of All Forms of Discrimination against Women

9. The 1981 [United Nations] Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief

10. The 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

11. The 1987 European Convention on the Prevention of Torture and Inhuman or Degrading Treatment or Punishment

12. The 1989 Convention on the Rights of the Child

B. Protection of groups and minorities

13. The 1990 Council of Europe Parliamentary Assembly Recommendation on the Rights of Minorities, paras. 10-13

14. The 1992 United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

C. Economic, social and cultural rights

15. The 1948 Universal Declaration of Human Rights, arts. 22-27

16. The 1961 European Social Charter and the Protocol I thereto

17. The 1966 International Covenant on Economic, Social and Cultural Rights

D. Citizenship and nationality

18. The 1957 Convention on the Nationality of Married Women

19. The 1961 Convention on the Reduction of Statelessness

Annex D

Initial appointment and functions of the Ombudsmen

I. GENERAL PROVISIONS

Article 1

(a) The Ombudsmen are to protect human dignity, rights and liberties as provided in the Constitutional Agreement and in the instruments listed in annex C thereto, and in the constitutions and legislation of the Constituent Republics, and in particular shall act to reverse the consequences of the violations of these rights and liberties and especially of ethnic cleansing.

(b) In carrying out their functions, the Ombudsmen must be guided by law and by the principles of morality and justice.

Article 2

Each Ombudsman shall exercise his functions individually, except as otherwise provided herein. Two or more Ombudsmen may cooperate in carrying out any of their functions.

Article 3

The Ombudsmen are independent in carrying out their functions and no governmental organ or any other person may interfere with such functions.

Article 4

(a) There shall be four Ombudsmen, one from each recognized group: Muslims, Serbs, Croats, and others. Until the Parliament adopts a law relating to the appointment and functioning of the Ombudsmen, these shall be appointed and may be removed by the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia, after consultations with the members of the Presidency.

(b) Each of the Ombudsmen shall, with the approval of the Presidency, appoint one or more deputies.

(c) The terms of service of the Ombudsmen and their deputies shall be the same respectively as those of the President and of judges of the Supreme Court.

(d) Each Ombudsman shall also appoint additional staff within the framework of the budget approved therefor by the Parliament or initially by the Presidency.

II. THE COMPETENCE AND THE POWERS OF THE OMBUDSMEN

Article 5

The Ombudsmen may follow the activities of any common institution of the Union of Republics of Bosnia and Herzegovina or of any organ of a Constituent Republic or of governmental units subordinate thereto, as well as of any other institution or person by whom human dignity, rights or liberties may be negated or ethnic cleansing may be accomplished or its effects preserved.

Article 6

In the course of carrying out his functions, an Ombudsman may examine all official documents, including secret ones, as well as judicial and administrative files, and require any person (including any official) to cooperate, in particular by transmitting relevant information, documents and files. Ombudsmen may also attend court and administrative hearings, as well as meetings of other organs and enter and inspect any place where persons deprived of their liberty are confined or work.

Article 7

The Ombudsmen, their deputies and any other person who carries out inquiries pursuant to article 6 above, are required to maintain the secrecy of whatever they learn in the course of such inquiry, and must treat all documents and files in accordance with the applicable rules.

III. REPORTS OF THE OMBUDSMEN

Article 8

(a) Each Ombudsman shall present an annual report to the Presidency of the Union of Republics of Bosnia and Herzegovina, to the Presidents of each of the Constituent Republics and to the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia.

(b) An Ombudsman may also present at any time special reports to any competent authorities.

IV. REGULATIONS OF THE OMBUDSMEN

Article 9

Each Ombudsman shall draw up, or the Ombudsmen may collectively draw up, regulations that specify their organization and the method of exercising their functions, which shall be promulgated in the Official Journal of the Union of Republics of Bosnia and Herzegovina, as well as in the Official Journals of the Constituent Republics. These regulations may be changed by a law adopted by the Parliament.

Appendix II

Agreed arrangements concerning the Constitutional Agreement of the Union of Republics of Bosnia and Herzegovina

1. The name of each Constituent Republic will be determined by the competent authorities of that Republic.

2. The map of the three Constituent Republics set out in part I of annex A to the Constitutional Agreement will be referred to the Boundary Commission established in accordance with chapter II, article 1 (b), of that Agreement, and the Commission shall ensure that the territory of the Republic marked as No. 1 on the map shall not be less than 30 per cent of the entire territory of the Union of Republics of Bosnia and Herzegovina.

3. Access Authority:

(a) Pursuant to chapter III, article 5, of the Constitutional Agreement, there shall be established, immediately on the entry into force of that Agreement, an Access Authority, charged with assisting in the implementation of section II, article 1 (d) of the Agreement requiring free movement of persons, goods and services throughout the territory of the Union of Republics of Bosnia and Herzegovina;

(b) The purpose of the Authority will be to guarantee full freedom of movement in certain essential areas between and within the Constituent Republics, and also to and from these Republics to the Republic of Croatia and the Republic of Serbia;

(c) The members of the Authority shall be three persons appointed by the Presidency, one from each Constituent Republic. Its headquarters shall be in or around the city of Sarajevo;

(d) Even though the Authority is to be in operation as soon as possible following the entry into force of the Constitutional Agreement, inevitably there will be an initial period when the United Nations Protection Force will have sole responsibility for freedom of movement along designated "blue routes" around Sarajevo and "throughways" ensuring freedom of movement along the key roads and railway lines throughout the country. Thereafter there will be a period of overlapping responsibility of the United Nations Protection Force and the Authority, during which the Force's responsibility for the Authority's designated routes will be phased out, and these responsibilities assumed by the traffic police of the Authority. This transfer of responsibility requires the agreement of all members of the Authority. The traffic police will be seconded to the Authority from the police forces of the Constituent Republics;

(e) The following shall be the routes to be controlled by the Access Authority:

(i) The road and railway line from Metkovic on the border of the Republic of Croatia to the centre of the city of Sarajevo;

(ii) The railway from the city of Sarajevo to Visoko and Doboj;

(iii) The railway through Brcko to the bridge across the Sava;

(iv) The road from Bihac to Jajce and Travnik;

(v) The road from Nevisinje to Mostar airport;

(vi) The road from Srebrenica to Kladanj;

(vii) The road from Gorazde through Cajnice to the border;

(viii) Sarajevo airport;

(ix) The so-called "Transit Road" through the south of the city of Sarajevo;

(x) The road between Sarajevo and the crossing point north of Trnovo which gives access to Gorazde;

(xi) The road between Bosanski Brod (via Derventa, Doboj, Zenica) and Sarajevo;

(xii) The road from the border of the Republic of Croatia near Velika Kladusa (via Cazin, Bihac, Kljuc, Jajce, Donji Vakuf) to Mostar;

(xiii) The road between Donji Vakuf (via Travnik) and Zenica.

Appendix III

Agreement on the termination of the conflict

The Parties reaffirm their acceptance of the Agreement for peace in Bosnia and Herzegovina (see S/25479, annex IV). The Mixed Military Working Group that had been established by the International Conference on the Former Yugoslavia shall, under the chairmanship of the United Nations Protection Force, update that Agreement and make any necessary amendments, in particular in relation to the Constitutional Agreement. Any new agreement that is signed by representatives of the Parties shall, to the extent that it so provides, replace and supersede the preceding document.

Appendix IV

Preliminary Agreement between the Republic of Croatia and the Parties to the Constitutional Agreement establishing the Union of Republics of Bosnia and Herzegovina for implementing the 1965 Convention on Transit Trade of Land-Locked States

The Republic of Croatia

and

the Parties to the Constitutional Agreement establishing the Union of Republics of Bosnia and Herzegovina

Considering that, as successors to the Socialist Federal Republic of Yugoslavia which had been party to the Convention on Transit Trade of Land-Locked States concluded in New York on 8 July 1965 (hereinafter the "Convention"), the Republic of Croatia and the Union of Republics of Bosnia and Herzegovina should apply between them the provisions of the Convention,

Further considering that the Union of Republics of Bosnia and Herzegovina is to be considered a "land-locked State" within the meaning of that Convention and that with respect to Bosnia and Herzegovina the Republic of Croatia is a "transit State" within the meaning of the Convention,

Desiring to conclude an agreement, on a basis of reciprocity - in accordance with article 3 (1) (a) of the Convention on the High Seas quoted in the preamble to the Transit Trade Convention and with article 15 of that Convention - to establish, as foreseen in paragraph 2 of article 2 of the Convention, the rules governing traffic in transit and the use of means of transport passing across Croatian territory between the territory of the Union of Republics of Bosnia and Herzegovina and the Adriatic Sea, and when passing across territory of the Union of Republics of Bosnia and Herzegovina in transit between places of entry and exit which are both on Croatian territory, as well as to regulate other matters foreseen in the Convention,

HEREBY AGREE AS FOLLOWS:

Article 1

(a) Freedom of transit under the terms of the present Preliminary Agreement shall be granted to both Parties on the basis of reciprocity.

(b) The Croatian ports of Ploce and Rijeka are designated as those to which the Union of Republics of Bosnia and Herzegovina is to have access, as foreseen in the Convention, and the routes, by road and as appropriate by rail, between Ploce and Sarajevo and between Rijeka and Bihac are the ones as to which special rules are to be adopted.

(c) The roads on the territory of the Union of Republics of Bosnia and Herzegovina:

(i) Between the Croatian border near Velika Kladusa (via Cazin, Bihac, Kljuc, Jajce, Donji Vakuf, Bugonjo, Jablanica and Mostar) and the Croatian border on the south, as well as the road between Donji Vakuf (via Travnik) and Zenica where this road links with the road under (ii) below;

(ii) Between Bosanski Brod (via Dervanta, Doboj, Zenica, Sarajevo and Mostar) and the Croatian border on the south;

shall be the ones to which the freedom of transit, in accordance with the Convention, shall be granted to the Republic of Croatia.

(d) The same freedom of transit shall be granted to the Republic of Croatia on the so-called "Una railway line" on the territory of the Union of Republics of Bosnia and Herzegovina between Bosanski Novi (via Bihac) and the Croatian border on the south in the direction of Knin.

(e) The reference to specific ports of Croatia and the roads and the railway line within the Union of Republics of Bosnia and Herzegovina, and specific points of entry from Croatia and the Union of Republics of Bosnia and Herzegovina and from Bosnia and Herzegovina to Croatia, are not intended to exclude the facilitation by both States of transit trade through other ports or points of entry.

Article 2

The parties shall immediately start negotiating, with a view to concluding by _____ 1993, an agreement relating to all aspects of the implementation of the Convention and this Preliminary Agreement, covering in particular the following subjects:

1. Specification of the primary routes, by road as well as by rail, from the ports to the cities specified in article 1;

2. Rules governing the means of transport over the routes and the railroad specified in article 1 (art. 2 (2) of the Convention);

3. Facilities existing, or to be built, within the specified ports that are to be specially dedicated to traffic of the Union of Republics of Bosnia and Herzegovina might be permitted to operate and develop with the consent of the Republic of Croatia;

4. Possible imposition of special transit dues, tariffs or charges (arts. 3 and 4 of the Convention);

5. Special customs and other measures to facilitate transit trade (art. 5 of the Convention);

6. Conditions of storage of goods in transit (art. 6 of the Convention);

7. Possible establishment of free zones in the designated ports (art. 8 of the Convention);

8. Exceptions on grounds of public health, security and protection of intellectual property (art. 11 of the Convention);

9. Exceptions in case of emergency (art. 12 of the Convention);

10. Application of the Agreement in time of war (art. 13 of the Convention);

11. Settlement of disputes pursuant to article 16 of the Convention.

Article 4

Pending the conclusion of the agreement referred to in article 2 above, the Republic of Croatia and the Union of Republics of Bosnia and Herzegovina shall facilitate, as far as it is possible, their mutual transit trade, as defined in the present Agreement.

DONE this ____ day of August 1993, at Geneva, in three copies, each in the English, Croatian and Serbian languages, which shall be equally authentic.

FOR THE REPUBLIC OF CROATIA

FOR THE PARTIES TO THE CONSTITUTIONAL AGREEMENT ESTABLISHING THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA

Witnessed:

Thorvald STOLTENBERG

Lord David OWEN